

Does the FCC regulate the Voice service or the actual Copper facility?  
Does the State Commission regulate the voice service or the physical plant? That is what this boils down to.

BOCs treat DSL like any other data service - move charges, termination liability, install fees. If this indeed the case, then the underlying lease of the last mile loop is irrelevant and the BOCs need to just put ADSL on those loops or start offering Naked ADSL.